

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

UNITED STATES OF AMERICA §  
§  
vs. § Case No. 4:01cr29(10)  
§ (Judge Schneider/Judge Bush)  
TIMOTHY LEDON BOWEN §

**REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 4, 2007, to determine whether the Defendant violated his supervised release. The Defendant was represented by Robert Arrambide. The Government was represented by Ernest Gonzalez.

On September 21, 2001, the Defendant was sentenced by the Honorable Paul Brown, United States District Judge, to seventy-eight (78) months custody followed by a six (6) year term of supervised release for the offense of Conspiracy to Manufacture, Distribute, Possess with Intent to Manufacture, Distribute or Dispense Cocaine Base. On December 23, 2005, the Defendant completed his period of imprisonment and began service of his supervised term.

On January 11, 2007, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following conditions: (1) Defendant shall refrain from any

unlawful use of a controlled substance; (2) Defendant shall submit to a drug test within fifteen (15) days of release from imprisonment and at least two (2) periodic drug tests thereafter, as directed by the probation officer; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall participate in a program of testing and treatment for drug abuse until Defendant is released from the program by the probation officer; (5) Defendant shall pay a fine of \$2,500; and (6) Defendant shall reside in the Freeman Center Halfway House located in Waco, Texas, for a period of one hundred and eighty (180) days.

The petition alleges that Defendant committed the following violations: (1) Defendant submitted urine specimens which tested positive for cocaine on January 24, February 7, June 29, July 5, and November 10, 2006, and a urine specimen that tested positive for marijuana on June 14, 2006; (2) Defendant failed to submit random urine specimens at the Freeman Center in Waco, Texas, on November 2, December 4, and December 5, 2006; (3) Defendant failed to submit monthly fine payments for July, August, September, October, and November 2006, and has a balance of \$2,275; and (4) On November 14, 2006, Defendant was unsuccessfully discharged from the Freeman Center Halfway House for testing positive for cocaine and failing to attend drug abuse counseling.

Prior to the Government putting on its case, the Defendant entered a plea of

true to the alleged violations. At the hearing, the Court recommended that Defendant's supervised release be revoked.

**RECOMMENDATION**

The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, plus the remaining unserved eighty-eight (88) days of community confinement, to be served consecutively to any other term, with no supervised release to follow, and payment of \$2,275.00, which is the remaining balance of his fine.

Signed this 12 day of April, 2007.

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE